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# BURCH VS. DOUBLE DIAMOND

## Introduction:

### I. Discovery of standing water, mud, and mold January, 1998

- A. In January 1998, we reported problem to Double Diamond. After under house inspection, we were told "we watered too much in the summer, and this was not covered under our homeowner's warranty." Double Diamond's Customer Service Representative, Linda would not crawl under house for inspection. She reiterated, "This was not covered."
- B. Hired Licensed Engineer and found the "most severe case of mold and mildew in a new home he had ever witnessed. The entire crawl space was like a sauna."
- C. Reported problem to Contractor's Board, and was laughed at.

### II. Fixing the Problem

- A. Double Diamond had first chance--opened crawl space into MA BR and blew toxic moldy air into BR with two giant fans under crawl space. They closed all vents to outside, so air was blown all over crawl space and into home. Left saturated moldy insulation in crawl space while circulating toxins. Wrong thing to do.
- B. Homeowner now hired attorney, geo-technical engineer, and biologist for more extensive inspections. Homeowner removes saturated insulation, reopens closed vents to outside, and closes crawl space opening.
- C. Double Diamond now supplies giant propane heaters to dry out space--wrong thing to do.
- D. French Drain Installed by Homeowner
- E. Homeowner installs Rain Gutters

### III. More Experts Called In

- A. Gunther Liedl
- B. Dr. Linda Stetzenbach, biologist and mold expert from UNLV

### IV. Nevada Supreme Court

- A. Case was won by Robert Maddox in front of Justices Rose, Shearing, and Becker
- B. Double Diamond requests rehearing in front of same three Justices. The decision stands.
- C. Double Diamond appeals rehearing in front of all seven Supreme Court Justices. The decision stands. It is now October 29, 2002
- D. Next Step: Court Date of October 20, 2003

ASSEMBLY JUDICIARY

DATE: 4/8/03 ROOM: 3138 EXHIBIT R

SUBMITTED BY: Linda Burch

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**Conclusion:** We purchased what we thought would be our "dream house" and have ended up being held hostage by the builders. Because of the mold problem, we are unable to sell our home, while we are sent from one legal situation to another. The case ended up in the Nevada Supreme Court, only to win the "right" to take the builders to court to see that our house was properly repaired. We were victorious, if you can call it a victory. We have owned our house almost 6 years, and have been in litigation for 4 1/2 years. It does not seem fair that our builder has never offered to properly repair our house or to compensate us for the enormous costs we have incurred. All we wanted was our "dream house."

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